

Schindler, S.

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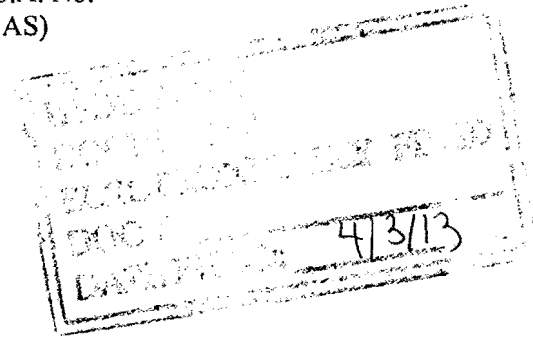
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File C.A. No.
1:00-1898 (SAS)
MDL 1358

This Document Relates To:

City of Fresno v. Chevron U.S.A., Inc., et al.,
Case No. 04-Civ-04973



**STIPULATED DISMISSAL OF DUKE ENERGY MERCHANTS, LLC AND
NORTHRIDGE PETROLEUM MARKETING U.S., INC. AT CERTAIN TRIAL SITES**

WHEREAS Plaintiff City of Fresno agreed to dismiss all claims with prejudice against defendants Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc. at the following five trial sites, for the reasons stated in the letter of February 8, 2013 from Michael Axline and Evan Eickmeyer to James R. Wedeking and the letter of December 21, 2012 from Michael Axline and Evan Eickmeyer to James R. Wedeking:

1. Smith Tank Lines/ Carey Oil, 30 E. Divisadero;
2. Tulare Exxon, 4594 E. Tulare Street;
3. Beacon # 3519, 4591 E. Belmont;
4. Beacon # 615, 1625 Chestnut Avenue;
5. Van Ness Auto, 2740 Van Ness Boulevard.

WHEREAS Plaintiff City of Fresno wishes to maintain its claims against Duke Energy Merchants, LLC and Northridge Petroleum Marketing, U.S., Inc. related to the Red Triangle Oil 2809 South Chestnut Avenue site and the Valley Gas 2139 South Elm Street site;

WHEREAS the parties now respectfully request that the Court enter the following stipulation and order of dismissal:

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The parties hereby stipulate and agree that the Court is hereby authorized and requested to execute and enter the attached Order of Dismissal and to make all such orders and judgment which may be necessary and proper.

The parties further stipulate and agree that each of the parties to this stipulation shall bear all of their own costs, expenses, and attorneys' fees incurred or to be incurred in connection with this stipulation and order of dismissal.

SO STIPULATED.

Dated: March 26, 2013

By: Evan Eickmeyer

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Evan Eickmeyer
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Counsel for the City of Fresno

April
Dated: ~~March~~ 2, 2013

By: James R. Wedeking

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*Counsel for Duke Energy Merchants, LLC and
Northridge Petroleum Marketing U.S., Inc.*

SO ORDERED:

[Signature]
U.S.D.J.

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